

<i>Examiner-Initiated Interview Summary</i>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">Application No. 10/657,650</td> <td style="width: 50%; padding: 2px;">Applicant(s) PACEY ET AL.</td> </tr> <tr> <td style="padding: 2px;">Examiner Matthew D. Hoel</td> <td style="padding: 2px;">Art Unit 3714</td> </tr> </table>	Application No. 10/657,650	Applicant(s) PACEY ET AL.	Examiner Matthew D. Hoel	Art Unit 3714
Application No. 10/657,650	Applicant(s) PACEY ET AL.				
Examiner Matthew D. Hoel	Art Unit 3714				

All Participants:
 (1) Matthew D. Hoel, examiner.
 (2) Wayne Tang, attorney.

Date of Interview: 26 June 2009

Status of Application: final rejection
 (3) _____.
 (4) _____.

Time: P.M.

Type of Interview:
☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No
 If Yes, provide a brief description: _____

Part I.

 Rejection(s) discussed:
NF, 12-17-2008

 Claims discussed:
30-50

 Prior art documents discussed:
Travis (5,380,007 A); Schlottmann (6,824,467 B2).

Part II.
SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:
See Continuation Sheet

Part III.
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/M. D. H./
 Examiner, Art Unit 3714

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The examiner had consulted with SPE Peter Vo on 06-25-2009. We believed for the claims to be allowable, they had to be drawn particularly to the roulette embodiment of the specification. The applicants had stated in a previous interview that they were not drawing the claims to their horse race embodiment anymore, so the only embodiment left is the roulette embodiment. Further search and consideration before the last action had led the examiner to believe that the limitation of a probability distribution apparent to the player did not get around Travis ('007), as each column has 11 bingo balls, each with an even chance of being selected. The examiner believes that it also did not get around Fentz (5,775,993 A) which teaches a roulette game with pockets 1-36, 0, and 00, each pocket with a one-in-thirty-eight chance of being selected. The applicant stated that the simulation rule data and physical object data were selected to get a desired probability distribution. The applicants did not want to narrow the claims down to read specifically on the roulette embodiment. The examiner believed that if the roulette wheel and ball were accurately physically modelled that the resulting probability distribution would be the 1-in-38 probability distribution anyway, obviating any attempt to get a desired probability distribution. The applicants wanted to get broader protection for the random result being a result of the object interactions using the simulation rule data and the physical object data, but the examiner believed that '467 illustrated such interactions in Fig. 5 & 7:45-67. The applicants did not want to narrow down the claim language to specify, for example, a mathematical relationship between the physical object data and simulation rule data, on the one hand, and the desired probability distribution, on the other hand. The applicants specify such relationships for roulette in Figs. 7-9 and Paras. 40-43, 48-59 (published as 2004/0053686 A1). The applicants also did not want to incorporate the motion capture data into the claims. The applicants believed the Monte Carlo analysis of '467 taught away from the claims, but the examiner was not relying on the Monte Carlo analysis in the rejection. '467 uses Monte Carlo analysis to analyze a cross-section of all physical outcomes to arrive at a probability distribution of all probability outcomes. The applicants believed that the physical models did not have to be perfect (as in perfect 1-in-38 chance), as the actual roulette wheel and balls in a physical roulette game were not perfect. The examiner still believed a sufficiently accurately modelled roulette game would arrive at a 1-in-38 chance close enough to be the desired probability outcome and be certified by gaming authorities, just like a physical roulette game is certified for casino play. The examiner did not believe the applicants could claim the attempt to select the physical object data and simulation rule data to arrive at a desired probability distribution had a patentable point of non-obviousness for the reason outlined in the previous sentence, and also the applicants did not provide in the specification a disclosure of such an attempt done for a game (such as pachinko, for example), in which the probability distribution is not readily apparent to the player. No agreement was reached on exact allowable claim language.